

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES**

STERICYCLE, INC.

Employer

and

Case 04-RC-260851

**INTERNATIONAL ASSOCIATION OF SHEET METAL,
AIR, RAIL AND TRANSPORTATION WORKERS
-- LOCAL UNION #44**

Petitioner

James N. Foster and Geoffrey M. Gilbert, Esqs.
for the Employer

Lance Geren, Esq.
for the Petitioner

Benjamin Mandelman and David Stolzberg, Esqs.
for the Regional Director.

REPORT AND RECOMMENDATIONS ON OBJECTIONS

INTRODUCTION¹

ANDREW S. GOLLIN, ADMINISTRATIVE LAW JUDGE. Earlier this year, pursuant to a representation petition and a decision and direction of election, Region 4 of the National Labor Relations Board (the Board) conducted a mail-ballot election to determine whether a unit of route managers working for Stericycle, Inc. (the Employer) wanted to be represented for the purposes of collective bargaining by the International Association of Sheet Metal, Air, Rail and Transportation Workers - Local Union #44 (the Petitioner). The Region later counted the ballots remotely on a Zoom videoconference call with the parties. While the Board agent was handling the envelopes containing the ballots, the Zoom call unexpectedly ended, disconnecting all the participants. After about 3-5 minutes, all the participants rejoined the Zoom call, and the Board agent continued where she had left off and eventually completed the count. The votes were unanimous in favor of representation.

The Employer timely filed 7 objections to the conduct of the election, specifically over the handling of the ballot count. For the reasons stated more fully below, I recommend the Regional Director overrule the Employer's objections and certify the Union as the bargaining representative of the route managers.

¹ Abbreviations in this report are as follows: "Tr." for transcript; "Bd. Exh." for Board's Exhibits; "E Exh." for Employer's Exhibits; "Rej. E Exh." for Rejected Employer's Exhibits; and "E Br." for Employer's post-hearing brief.

FACTUAL FINDINGS

The Employer provides medical waste and collection treatment services to commercial customers, including hospitals, from its facility in Hanover Township, Pennsylvania. On May 27, 2020,² the Petitioner filed a petition to represent the Employer's route managers. The Petitioner also filed a petition in Case 04-RC-260408 seeking to represent the Employer's on-site service specialists. The two cases were consolidated for a pre-election hearing and, on July 16, the Acting Regional Director for Region 4 issued a Decision and Direction of Election (the DDE). In the instant case, he found appropriate the following bargaining unit (the Unit):

Included: All full-time and regular part-time route managers employed by the Employer at its Hanover Township, Pennsylvania facility.

Excluded: All other employees, office clerical employees, confidential employees, professional employees, managerial employees, guards and supervisors as defined by the Act.

In both cases, the Acting Regional Director ordered a mail-ballot election due to the "extraordinary circumstances presented by the continuing COVID-19 pandemic," and he scheduled the ballot counts for September 9, "at a location to be determined, either in person or otherwise, after consultation with the parties, provided the count can be safely conducted on that date." There was no request for review filed over the DDE in this case.

According to Sec. 11336.2(c) of the Board's Casehandling Manual in Representation Proceedings, the Region mails each voter a kit containing: instructions, a ballot, a blue mail-ballot envelope, and a yellow postage-paid return envelope addressed to the Regional Office. The voter is instructed to mark the ballot, place it in the blue envelope, seal and place the blue envelope into the yellow envelope, seal and sign the back of the yellow envelope, and mail the yellow envelope back to the Regional Office.

The Notice of Election stated the Region would mail ballots to voters on July 29, and they were due back by September 2. Like the DDE, the Notice of Election specified the ballots would be counted on September 9 at "a location to be determined, either in person or otherwise, after consultation with the parties, provided the count can be safely conducted on that date."

On Friday, September 4, at 8:56 a.m. (EST), the Region emailed the parties that the Board agent would be conducting the ballot count in both cases remotely via a Zoom videoconference call. The Zoom call was scheduled for Wednesday, September 9, starting at 10 a.m. (EST). The Employer did not respond to, or otherwise communicate with the Region about, this email.

On September 9, the Zoom call began as scheduled, with the Employer's representatives, the Petitioner's representatives, and the Board agent all participating remotely.³ The Board agent

² All dates refer to 2020, unless otherwise stated.

³ One of the Employer's representatives was attorney Dean Kpere-Daibo. Kpere-Daibo was the only witness at the hearing. The Employer's objections state the Board agent maintained the ballots and

began by explaining the process. She then proceeded to count the ballots, starting with those cast in Case 04-RC-260408. Using the camera on her computer, the Board agent showed the parties the yellow postage-paid return envelopes the Region had received, specifically the voter signatures on the back. One ballot was voided because it was unsigned.⁴ For the rest, the Board agent opened each of the yellow envelopes and removed the inner blue mail-ballot envelope from inside, opened each of the blue envelopes and removed the ballot from inside, and then counted the ballots.⁵ During or after this count, there was a discussion lasting approximately 15 minutes about the voided ballot, which, if counted, would have altered the outcome of that election.

The Board agent then announced she was moving on to count the ballots in the instant case. She followed the same procedure, beginning with showing the parties the 6 yellow postage-paid return envelopes the Region had received, and the voter signatures on the back. One of those ballots was challenged and set aside. The Board agent then began opening the 5 remaining yellow envelopes. As she was handling or opening the second yellow envelope, the Zoom call unexpectedly ended, and all the participants, including the Board agent, were disconnected. The record does not reflect what time this occurred, but the Board agent sent the parties an email at 10:33 a.m. (EST), stating “technical issue, we are working to get reconnected.” The Employer’s representatives were able to reconnect to the Zoom call first, then the Petitioner’s representatives. The Acting Regional Director joined the call (voice only) and explained that the disconnection was caused by another incoming videoconference meeting/call that started at the same time. About a minute later, the Board agent rejoined the Zoom call. In total, the participants were disconnected from the Zoom call for about 3-5 minutes.

Once they all rejoined the Zoom call, the Board agent continued opening the remaining sealed yellow envelopes. She removed and opened each of the sealed blue envelopes and removed the ballot from inside. She then counted and tallied the ballots. The tally shows that of the approximately 7 eligible voters in the Unit, 5 votes were cast for the Petitioner, and 0 cast against, with 1 challenged ballot that did not affect the outcome of the election.

On September 16, the Employer timely filed objections in the instant case. On September 22, Region 4 transferred the instant case to Region 18. On October 2, the Regional Director for Region 18 ordered a hearing before an administrative law judge on the Employer’s objections, which was later rescheduled to October 29. The hearing occurred before me on October 29, via Zoom. The parties were all represented by counsel during the hearing. All parties were afforded a full opportunity to be heard, to call and examine witnesses, and to introduce evidence on the

conducted the count at her home. (Bd. Exh. 1(b)). Kpere-Daibo, however, testified he did not know where the ballot count occurred. (Tr. 33).

⁴ The Employer filed objections over the voiding of this ballot in Case 04-RC-260408. The case was transferred to Region 18, and the Regional Director for Region 18 ordered a rerun election. The Employer filed a request for the Board to review that order, and that request is pending before the Board.

⁵⁵ At the hearing, the Employer asserts that because of how the Board agent’s camera was set up, the parties could not see if she was using a table or desk to pick up or place the envelopes or ballots, and, for the same reason, the parties could not see if she was shuffling the envelopes or ballots prior to opening them. The record does not reflect whether the Employer raised these concerns with the Board agent during the count.

issues to be considered. The Employer submitted a brief summarizing its positions on the issues, which I have carefully considered.

BURDEN OF PROOF AND STANDARD FOR SETTING ASIDE ELECTION

5 It is well established that “[r]epresentation elections are not lightly set aside. There is a strong presumption that ballots cast under specific procedural safeguards reflect the true desires of the employees.” *Lockheed Martin Skunk Works*, 331 NLRB 852, 854 (2000) (internal quotations omitted). “The burden of proof on parties seeking to have a Board-supervised election set aside is a heavy one. The objecting party must show, inter alia, that the conduct in question affected employees in the voting unit and had a reasonable tendency to affect the outcome of the election.” 10 *Delta Brands, Inc.*, 344 NLRB 252, 253 (2005) (internal quotations omitted). See also *Affiliated Computerizing Services*, 355 NLRB 899 (2010); and *St. Vincent's Hospital, LLC*, 344 NLRB 586, 587 (2005). This burden is particularly heavy where the margin of victory is significant. *Avis-Rent-A-Car System*, 280 NLRB 580, 581-582 (1986).

15 The Board’s election procedures are designed to safeguard the “accuracy and security thought to be optimal in typical election situations.” *Polymers, Inc.*, 174 NLRB 282, 282 (1969), enf’d. 414 F.2d 999 (2d Cir. 1969), cert. denied 396 U.S. 1010 (1970). However, these procedures “may not always be met to the letter, sometimes through neglect, sometimes because of the 20 exigencies of the circumstance.” *Id.* Furthermore, strict compliance with these procedures does not guarantee the validity of an election; nor does deviation from them necessarily require setting aside an election. *Id.* See also *St. Vincent's Hospital*, *supra*.

25 The test for setting aside an election is whether the alleged irregularity raises “a reasonable doubt as to the fairness and validity of the election.” *Polymers*, 174 NLRB at 282. The objecting party's showing of prejudicial harm must be based on more than speculation or possibility. *Id.* at fn. 6. See also *J.C. Brock Corp.*, 318 NLRB 403, 404 (1995); *Transportation Unlimited*, 312 NLRB 1162 (1993). The reason being that a “per se rule of possibility would impose an overwhelming burden in a representation case. If speculation on conceivable irregularities were 30 unfettered, few election results would be certified, since ideal standards cannot always be attained.” *Polymers, Inc. v. NLRB*, 414 F.2d 999, 1004 (2d Cir. 1969), enfg. 174 NLRB 282 (1969).

EMPLOYER’S OBJECTIONS AND RECOMMENDATIONS

35 The Employer filed objections over the conduct of the election---specifically the ballot count, stating that: (1) the irregularities, individually and/or collectively, raise a reasonable doubt as to the fairness and validity of the election; (2) the Region failed and/or refused to comply with its stated election procedure and consult with the Employer about the manner and location to count the ballots, which was an irregularity; (3) the Employer was unable to monitor the handling of the 40 ballots without interruption once they were removed from the yellow envelopes, which was an irregularity; (4) there is no way for the Employer to verify or confirm the Board agent took steps to secure and protect the ballots for the several minutes the Employer was unable to participate in the Zoom call; (5) it cannot be said with certainty that the ballots were not tampered with, mishandled, and/or damaged; (6) there is an appearance of irregularity in the handling and the 45 counting of the ballots; and (7) there is an appearance of irregularity in the process relating to the

handling of the ballots, which jeopardized the public's confidence in the Board's election process. The Employer argues that because of these irregularities the election must be set aside and rerun.

For the reasons stated below, I recommend overruling each of these objections.

Objection 1

In its first objection, the Employer generally alleges "irregularities." The Board has held that vague or "catch-all" objections like this lack the specificity contemplated by the Board's Rules and Regulations and must be overruled. *Smithfield Packing Co.*, 344 NLRB 1, 172 (2004), enfd. 447 F.3d 821 (D.C. Cir. 2006); and *Airstream*, 288 NLRB 220, 229 (1988), enfd. in relevant part, 877 F.2d 1291 (6th Cir. 1989).

Objection 2

In its second objection, the Employer alleges the Region failed and/or refused to comply with its stated election procedure by not consulting with the Employer about the manner and location for the count. Specifically, the Employer argues the DDE and the Notice of Election both state the Region would determine the location of the count, either in person or otherwise, after consulting the parties. The Region never consulted the Employer before unilaterally deciding to hold the count remotely via Zoom.⁶ As such, the Employer argues it was not given the opportunity to state its position regarding the use of Zoom, and if it had, it would have objected because of reported concerns over Zoom's reliability, security, and privacy safeguards.⁷

The mechanics of an election are within the discretion of the Regional Director. *San Diego Gas & Electric*, 325 NLRB 1143, 1144 (1998); and Sec. 11301.2 of the Board's Casehandling Manual in Representation Proceedings. As the DDE explains in detail, the election was done by mail ballot because of the compelling circumstances caused by the COVID-19 pandemic. The regions, with the Board's approval, have used videoconferencing during the pandemic, specifically Zoom, to conduct matters remotely to protect the health and safety of the public and agency personnel without jeopardizing the parties' right to due process. See *XPO Cartage, Inc.*, 370 NLRB No. 10 (2020); *William Beaumont Hospital*, 370 NLRB No. 9 (2020); and *Morrison*

⁶ In its post-hearing brief, the Employer also argues it had no opportunity to object to holding the count outside the Region's office, and no opportunity to confirm that the Board agent took steps to secure and protect the ballots when outside the Region's office. The record before me does not establish where the Board agent was located during the count, and the Employer acknowledges it "did not know where the count occurred." (E. Br. 11). I, therefore, cannot determine whether the ballots were handled or counted outside of the Region's office.

⁷ At the hearing, the Employer offered a series of articles addressing privacy and security concerns with the Zoom technology. The Petitioner and the Regional Director objected to the documents, and I sustained those objections and rejected the exhibits. (Rej. E Exhs.3-13). The Employer requests that I reconsider my ruling and admit these rejected exhibits. I decline to do so. The exhibits the Employer offered are not relevant because they relate to Zoom Commercial. The Board and its regional offices use Zoom for Government, which has all the same features as Zoom Commercial but operates in a dedicated, secure infrastructure designed to meet the security requirements of the Federal Risk and Authorization Management Program (FedRAMP) and Department of Defense. See www.zoomgov.com (Frequently Asked Questions).

Healthcare, 369 NLRB No. 76, slip op. at 1 (2020). I find that under the circumstances, the Employer has failed to establish that the Acting Regional Director abused his discretion by unilaterally deciding to hold the count remotely via Zoom.⁸

5 *Objections 3-7*

In its remaining objections, the Employer alleges the irregularities that occurred during the count, specifically the approximately 3-5 minutes the participants were all disconnected from the Zoom call (the Zoom outage), raised a question about the fairness and validity of the election. In its post-hearing brief, the Employer argues:

During the time the Zoom conference was unavailable, the Employer could not observe the ballots and did not have the ability to verify or confirm that the ballots that had been in the process of being counted were secured and protected. The Employer did not even have any knowledge that the ballot[s] were not still being counted while the Zoom conference was suspended; in fact, the Employer was unable to view the ballots or the actions of the Board Agent....After the Board Agent who was in possession of the ballots returned to the videoconference, the Employer's counsel had no way of knowing if the ballots – some of which were opened and some of which were not opened – had been opened or secured during the break in the Zoom conference. Throughout the technical malfunction, the Employer was unable to monitor the handling of ballots without interruption after they were removed from the yellow outer envelopes. The Employer thus could not be certain that the ballots were secured and the integrity of the election protected.

(E Br. 11-12)(transcript citations omitted).

To begin with, the Employer uses the term “the ballots” to interchangeably refer to the sealed yellow envelopes, the sealed blue envelopes, and the actual ballots. It is critical to draw a distinction between the three. At the time of the Zoom outage, *none* of the actual ballots were in the process of being counted; they all remained in their individual sealed blue envelopes, and 3-4 of those envelopes remained in their individual sealed yellow envelopes. When the parties rejoined the call, there is no indication any of the blue envelopes had been opened or the ballots removed. Nor was there any evidence or suggestion that the envelopes/ballots had been tampered with, mishandled, and/or damaged, during the Zoom outage, or at any point.

Furthermore, the appearance of irregularities does not require setting aside an election. The Board has upheld elections involving actual or suspected irregularities in the (mis)handling of ballots. In *N. Sumergrade & Sons*, 123 NLRB 1951, 1951-1952 (1959), the Board agent placed the challenged ballot envelopes into a cardboard carton and sealed it, and the parties initialed the carton, which was kept thereafter in the custody of the regional director. Later, however, without previously informing the parties, and in their absence, the Board agents investigating the

⁸ As for the Employer's claim that it did not have the opportunity to make arguments against using Zoom, while there is no formal process other than filing objections, it is worth noting the Region emailed the parties 5 days prior to the count about using Zoom, and the Employer did not voice any opposition or raise any concerns to the Region prior to or during the count.

challenged ballots opened the sealed carton in order to compare the names on the individual envelopes with the employer's payroll and place them in alphabetical order. Subsequently, the ballots were opened and counted in the presence of the parties. The Board found that while the better practice would have been not to open the sealed carton without notice to the parties, the Board agents' actions did not warrant invalidating the election, because the regional office at all times had custody of the sealed envelopes containing the challenged ballots and the envelopes had not been opened or tampered with.

In *Polymers, Inc.*, supra, the Board agent sealed the ballot box between split sessions with tape and had the parties sign over the tape. The parties' signatures did not extend onto the box itself but remained only on the tape. The Board agent then left the ballot box in his locked car, along with unmarked ballots, during the breaks between sessions. The employer filed objections alleging the tape could have been removed from the ballot box and reaffixed without disturbing the signatures since the signatures were only on the tape. The Board found that this speculation was not sufficient to raise a reasonable doubt as to the fairness and validity of the election. It held that although "the manner in which the ballot box was sealed in this election could have been improved upon [the tape was] affixed to the box in a manner which makes it quite improbable that any tampering with the box would not have left suspicious traces.... In view of the extreme improbability of any violation of the ballot box, and in the absence of any affirmative indication of tampering, we again conclude that desirable election standards were met and that no reasonable possibility of irregularity inhered the conduct of the election." 174 NLRB at 283.

In *Decible Products, Inc.*, 267 NLRB 1053 (1983), the Board agent conducting the count removed marked ballots from the presence of the election observers for about 10 minutes while she conferred telephonically with her supervisor about how to handle the employer's challenges. The employer filed objections. The Board affirmed the regional director's decision that the Board agent's failure to invite the observers to accompany her when she removed the ballots did not cast doubt on the fairness of the election or the validity of the results, since the unused ballots remained with the observers, there was no evidence the ballots were altered while in the Board agent's possession, and all of the ballots were accounted for after the tallying.

In *Sawyer Lumber, LLC*, 326 NLRB 1331 (1998), the Board agent and the election observers left the polling area to take breaks, leaving the open ballot box unattended. The employer filed objections. The Board found the allegations amounted to "little more than speculation about the possibility of irregularity and, thus, do not raise a reasonable doubt as to the fairness and validity of the election." Id. at 1332. While the Board held that it did not take lightly the importance of safeguarding the ballot box and the ballots during an election, it would not set aside the election absent evidence of "a security breach involving the ballot box or the ballots, [or] evidence that the integrity of the election was compromised in any way." Id. In reaching this conclusion, the Board noted the number of ballots counted equaled the number of names the observers checked off the voter list.

Conversely, the Board has set aside elections in which there are substantial irregularities in the handling of ballots. In *Paprikas Fono*, 273 NLRB 1326, 1328 (1984), the Board agent placed the determinative challenged ballots in the case file, took them back and locked them in his office, and went home. The following day, he put all the challenged ballots in a large manilla

envelope, attached a sheet listing the names of the challenged voters, sealed that envelope with tape, signed across the tape, and placed the manilla envelope in the region's safe. The employer filed objections, and the regional director directed a hearing. Prior to the hearing, the region decided to investigate whether any of the ballots had been soiled, as alleged by the employer. The staff removed the envelope with the challenged ballot envelopes from the region's safe, opened it to inspect the outside of the challenged ballot envelopes, and then returned the envelope with the challenged ballot envelopes to the safe. None of the challenged ballot envelopes were opened in this process. The Board, however, found that because the "normal procedures for handling [impounded ballots] were not followed and the procedures followed did not permit the parties to assure themselves that the [impounded ballot envelopes] were secure," it created a reasonable doubt regarding the validity and the fairness of the election. 273 NLRB at 1328.

In *Jakel Inc.*, supra, the Board agent retrieved a cast ballot from the ballot bag after the union observer made a belated objection to the voter's eligibility. The Board agent removed a ballot, showed it to the voter and asked if it was hers. After the voter identified it as hers, the Board agent tore it up and placed the pieces into a challenged envelope and marked it "spoiled." The Board agent gave a new ballot to the voter, who voted and had the ballot placed in a challenged ballot envelope. The Board affirmed that the conduct raised a reasonable doubt about the fairness and validity of the election, because it could not be determined with reasonable accuracy whose ballot was extracted from the bag.

In *Madera Enterprises*, 309 NLRB 774 (1992), the Board agent impounded the ballots at the end of the election and then placed them in the region's safe. However, the region later discovered that the Board agent had failed to keep a list of voters whose ballots had been challenged. Outside the presence of the parties, the region's election specialist and a supervisor retrieved the ballots from the safe, opened the impounded ballots envelope, prepared a list of challenged ballots, and returned the ballot envelopes to the safe. The Board set aside the election noting the region failed to comply with the election procedures requiring that impounded ballots be opened and counted in the presence of the parties.

In *Concrete Express of NY, LLC*, 368 NLRB No. 135 (2019), the Board agent allegedly failed to secure a potentially determinative challenged ballot in accordance with established procedures, and then, while in possession of the unsealed challenged ballot, accepted a ride from the polling location with union officials. The Board ordered a hearing on the matter, holding that the Board agent's conduct, if established, would "tend[] to destroy confidence in the Board's election process, or . . . reasonably be interpreted as impugning the election standards . . ." Id. slip op. at 1 (quoting *Athbro Precision Engineering Corp.*, 166 NLRB 966, 966 (1967)).

Here, unlike these other cases, the Employer presented no evidence that the Board agent failed to follow established election procedures or acted improperly in handling or counting the ballots. The Employer, instead, relies on uncertainty and implied speculation about what *could have* happened. It argues the Board agent's handling of the ballots outside its presence creates the appearance of irregularity that requires setting aside and rerunning the election. As stated, mere speculation or possibility, without more, is not enough to set aside an election, and I find the Employer has failed to present more.

Overall, I find the Employer has failed to establish the Region or the Board agent created a reasonable doubt as to the fairness and validity of the election. Following the Zoom outage, the Board agent immediately emailed the parties to inform them that there were technical difficulties and she was working to get reconnected. The Acting Regional Director joined the Zoom call while the Board agent was reconnecting to explain to the parties the cause of the outage. When the Board agent rejoined the call, all the evidence indicates she picked up where she had left off: the ballots remained in their blue envelopes (and 3-4 of those were still in their sealed yellow envelopes); those sealed envelopes remained in the Board agent's possession; and there is no evidence, or even suggestion, that the envelopes/ballots were tampered with, mishandled, and/or damaged. All parties were present and witnessed the Board agent open each of the sealed blue envelopes and remove the ballot from inside. They then saw the Board agent show and count all the eligible ballots, and the outcome of that count was unanimous in favor of representation.⁹

CONCLUSION

I recommend that the Regional Director for Region 18 overrule the Employer's objections in their entirety and certify the Union as the exclusive bargaining representative for the Unit.

APPEAL PROCEDURE

Pursuant to Section 102.69(c)(1)(iii) of the Board's Rules and Regulations, any party may file exceptions to this Report, with a supporting brief if desired, with the Regional Director of Region 18 by **November 24, 2020**. A copy of such exceptions, together with a copy of any brief filed, shall immediately be served on the other parties and a statement of service filed with the Regional Director.

Exceptions must be E-Filed through the Agency's website and may not be filed by facsimile. To E-File the request for review, go to www.nlr.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the exceptions should be addressed to the Regional Director, National Labor Relations Board, Region 18, Federal Office Building, 212 3rd Avenue S, Suite 200, Minneapolis, MN 55401, and it must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden.

Pursuant to Sections 102.111–102.114 of the Board's Rules, exceptions and any supporting brief must be received by the Regional Director by close of business at 5:00 p.m. Central Time on the due date. If E-Filed, it will be considered timely if the transmission of the entire document

⁹ The Employer contends the problems caused by the Zoom outage could have been avoided if the Acting Regional Director simply followed the Board's long-standing policy favoring manual elections. However, manual elections are not without risk. For example, in *Smithfield Packing Company*, supra, there was a power outage during a manual election that caused a complete blackout in the polling area for 5-10 minutes. The observers were unable to monitor the ballot box during that time, and the Board agents failed to secure it. The Board set aside the election because the ballot box was unsealed during the blackout and an observer saw the union representative with his arms outstretched over the ballot box when the lights came back on. 344 NLRB at 246. Here, while there also was an outage, the Board agent was the only person with access to the ballots, the ballots all remained in their sealed envelopes before and after the outage, and there is no evidence, or even suggestion, that the envelopes/ballots were tampered with, mishandled, and/or damaged.

through the Agency's website is accomplished by no later than 11:59 p.m. Central Time on the due date.

Within 5 business days from the last date on which exceptions and any supporting brief may be filed, or such further time as the Regional Director may allow, a party opposing the exceptions may file an answering brief with the Regional Director. An original and one copy shall be submitted. A copy of such answering brief shall immediately be served on the other parties and a statement of service filed with the Regional Director.

Dated, Washington, D.C., November 10, 2020.



Andrew S. Gollin
Administrative Law Judge